IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7166 OF 2006

Nana Gulabrao Nalavade .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr. Ajay Khumare i/b Mr.V.S. Talkute for the petitioner.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 29TH OCTOBER 2007

P.C. :

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner challenges the judgment and order dated 3rd March 2006 passed by the Maharashtra Administrative Tribunal, Mumbai rejecting the petitioner's application challenging his suspension pending disciplinary enquiry.

3. The petitioner was appointed as Talathi in the year 1981. He remained absent from duty from 7th June 2002 without any intimation and did not hand over the records. When this was brought to the notice of the Collector, he took over the records after a panchanama

and also initiated disciplinary proceedings against the petitioner. He also suspended the petitioner during the pendency of the departmental enquiry. The petitioner filed original application before the MAT against the order of suspension which was dismissed.

4. In our view, the order of suspension does not cast any stigma on the petitioner. He has been suspended merely during the pendency of an enquiry. Further more, he is being paid subsistence allowance during pendency of his suspension in accordance with the applicable service rules. In the circumstances, we see no reason to interfere with the order passed by the MAT. The writ petition is accordingly rejected.

(D.G. KARNIK, J.) (S.B. MHASE, J.)